

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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27. Feb. 2004

MÜNCHEN

FRIST 24.06.04 f

PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Applicant's or agent's file reference

NM5179 - 01 WO

Date of mailing
(day/month/year)

24-02-2004

REPLY DUE

within 60 days from
the above date of mailing

International application No.

PCT/IB 2002/002518

International filing date (day/month/year)

28.06.2002

Priority date (day/month/year)

International Patent Classification (IPC) or both national classification and IPC

H04Q 7/38

Applicant

Nokia Corporation et al

1. The written opinion established by the International Searching Authority:
 is is not
 considered to be a written opinion of the International Preliminary Examining Authority.

2. This first (first, etc.) opinion contains indications relating to the following items:
 Box No. I Basis of the opinion
 Box No. II Priority
 Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 Box No. IV Lack of unity of invention
 Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 Box No. VI Certain documents cited
 Box No. VII Certain defects in the international application
 Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.
When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).
How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
 For the form and the language of the amendments, see Rules 66.8 and 66.9.
Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
 For an informal communication with the examiner, see Rule 66.6.
 For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 28.10.2004

Name and mailing address of the IPEA/SE
Patent- och registreringsverket
Box 5055
S-102 42 STOCKHOLM
Facsimile No. 46 8 667 72 88

Authorized officer

Stefan Hansson/mj
Telephone No. 46 8 782 25 00

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

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Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."*):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished

pages _____ as amended (together with any statement) under Article 19

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished

pages _____ received by this Authority on _____

pages _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to the sequence listing (*specify*): _____

4. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to the sequence listing (*specify*): _____

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Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____
	Claims	<u>1.6-8.10.15.16.21-23.25</u>
Inventive step (IS)	Claims	_____
	Claims	<u>1-30</u>
Industrial applicability (IA)	Claims	_____
	Claims	_____

2. Citations and explanations:

The claimed invention

The claimed invention relates to a method and a system of sharing resources.

The following documents were cited in the International Search Report:

D1: WO 00 08 884 A
D2: US 6 400 946 A
D3: WO 01 59 986 A

D1 describes in the abstract, a method and a system wherein a first switching means (MSC/VLR) of a home network performs a negotiation with a second switching means of another network which has free capacity to handle mobile stations of the first network. D1 further describes on page 11 line 26-31 that when a mobile station moves outside an allowable location area, the switching means of the visited network may either continue the call, perform an inter-network handover to the home network or to yet another visited network or it may release the call. This means that said resource sharing is dynamical and seamless in a way that a connection is not interrupted. Consequently, the claimed invention as in claims 1, 6, 16 and 21 is not novel.

It is considered obvious to a person skilled in the art that the resource sharing can be employed reactively or in a proactive manner. Consequently, the claimed invention as in claim 2 and 17 is considered to lack an inventive step.

Claims 3-5 and 18-20 merely pertain to measures considered obvious to a person skilled in the art. Therefore, the claimed invention as in claims 3-5 and 18-20 is considered to lack an inventive step.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: V

The resource sharing is carried out upon a detected risk of overload, which must be said to be a subset of a predetermined condition. Consequently, the claimed invention as in claims 7, 8, 10, 22, 23 and 25 is not novel.

Claims 9, 11-14, 24 and 26-29 merely specifies possible predetermined conditions that could trigger the resource sharing. All these conditions are considered obvious to a person skilled in the art. Consequently, the claimed invention as in claims 9, 10-14, 24 and 26-29 is considered to lack an inventive step.

It is implied that the different networks cover the same geographical area. Consequently, the claimed invention as in claim 15 is not novel.

It is finally considered obvious that such a system could comprise radio resource management means. Consequently, the claimed invention as in claim 30 is considered to lack an inventive step.